

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 01-1253

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Louis Anthony Mealer,

Plaintiff-Appellant,

v.

Service Vending Co., Inc., a Missouri  
corporation; Jerry Summers, Sr.,  
individually and as an agent of  
Service Vending Co., Inc.;

Defendants-Appellees,

Credit Bureau Services of Missouri,  
Inc., a Missouri corporation,

Defendant.

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Appeal from the United States  
District Court for the Western  
District of Missouri.

[UNPUBLISHED]

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Submitted: November 15, 2001

Filed: January 4, 2002

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Before WOLLMAN, Chief Judge, JOHN R. GIBSON and FAGG, Circuit Judges.

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PER CURIAM.

Louis Anthony Mealer brought claims under the Fair Credit Reporting Act and common law claims of invasion of privacy against Service Vending Co. and Jerry

Sumners, Sr. A jury found in Mealer's favor on the claims against Sumners, but not against Service Vending. Mealer then sought about \$66,000 in attorney's fees. Because Mealer did not break out the rate of compensation for the attorneys or support staff, the district court\* sorted through the list of all legal services provided and determined the different rates requested. Mealer also lumped all hours expended together, so the district court separated out the hours for each person involved in the litigation. Next, the district court reviewed Sumner's objections that certain hours billed were unreasonable, and specifically addressed the granted objections. The court also disallowed certain costs. The court then subtracted the unreasonable hours and calculated the lodestar amount as \$45,851.87 for fees and costs. After reviewing the factors that could require the amount to be adjusted upward or downward stated in Winter v. Cerro Gordo County Conservation Bd., 925 F.2d 1069, 1074 n.8 (8th Cir. 1991), the district court found the award was excessive given the lack of difficulty or novelty, the limited success, and the amount of awards in similar cases. The court reduced the fee award, finding a total award of \$26,538.87 would fully compensate Mealer's attorneys. The court later denied Mealer's motion to amend or alter the award.

On appeal, Mealer contends the district court abused its discretion in reducing both the hourly rate and the number of hours in calculating attorney's fees. He also argues the district court abused its discretion in denying his motion to alter or amend the judgment. Having carefully reviewed the record, we conclude the district court did not abuse its discretion in arriving at the fee award or in denying Mealer's motion. Because we have nothing to add to the district court's explanations, we affirm on the basis of the district court's orders. See 8<sup>th</sup> Cir. R. 47B.

JOHN R. GIBSON, Circuit Judge, concurring in the result and the judgment.

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\*The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.